

REMARKS

Claims 1, 3, 4, 8, 9, 16, 17, and 26 have been amended. Support for the amendments can be found throughout the specification, for example, at Paragraphs [0014] and [0034], and claims 8 and 9 as originally filed. Claims 29-37 are new. Support for the new claims can be found, for example, in Figure 1 and at Paragraphs [0005], [0014]-[0015], [0029], [0033]-[0034], and [0036].

In the final Office action mailed on January 12, 2007, claims 3 and 4 were objected to as dependent on cancelled claim 2. Claims 1-8, 10-11 and 13-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,791,689 ("Weckström") in view of U.S. Patent Application Publication No. U.S. 2003/0025909 ("Hallstadius"). Claims 9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weckström in view of the Examiner Official Notice.

Applicants respectfully submit the present Amendment and Response, in which claims 1, 3, 4, 8, 9, 16, 17, and 26 have been amended to further clarify the claimed subject matter. Applicants respectfully submit that no new matter has been introduced by the present Amendment and Response.

In view of the amendments to the claims together with the following remarks, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection.

Claim Objections

Claims 3 and 4 were objected to as dependent on cancelled claim 2. Claims 3 and 4 have been amended to specify the correct antecedent basis. Applicants respectfully request withdrawal of the objection.

35 U.S.C. § 103(a) Rejection of Claims 1-8, 10-11 and 13-28

Claims 1-8, 10-11 and 13-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weckström in view of Hallstadius. For the rejection under 35 U.S.C. § 103(a) to be proper, the references, either alone or in combination, must teach or suggest all of the claim limitations.

Applicants respectfully submit that neither Weckström nor Hallstadius, either alone or in combination, teach or suggest every element as claimed in the pending claims. Neither Weckström nor Hallstadius, either alone or in combination, teach or suggest, at least, first and second bands of light diffusely scattered as recited variously by Applicants' independent claims 1, 16, 17, and 26 as amended. For at least this reason, Applicants respectfully submit that independent claims 1, 16, 17, and 26 are allowable.

Weckström describes a sensor assembly and method for measuring nitrogen dioxide. The system of Weckström is used for optical absorption analysis of nitrogen dioxide in a gas sample. See, Abstract of Weckström. The system of Weckström includes LED 1 for transmitting well collimated radiation through a chamber and measuring absorbance of the radiation with a detector 9. Col. 5, ll. 27-32. Weckström is silent regarding diffuse scattering of radiation within the chamber.

Hallstadius fails to cure the defects of Weckström. Hallstadius relates to a method and apparatus for measuring the concentration of a substance in a fluid medium, particularly for packaging food products applications. See, Abstract of Hallstadius. The system of Hallstadius involves directing a beam of light through a sample of a fluid medium (40) along a path (L) and

through a reference sample (40'). ¶ [0078]. Hallstadius is also silent regarding diffuse scattering of the radiation in the chamber.

Thus, neither Weckström nor Hallstadius teach or suggest a system for measuring diffusely scattered light, as recited by Applicants' claims. In addition, neither Weckström nor Hallstadius teach or suggest features which are recited in Applicants' dependent claims.

For example, regarding claim 7, by diffusely scattering the light within the vessel the path length of the first and second bands of light is increased without substantially increasing the length of the vessel along a longitudinal axis of the vessel. Further, photosensors 130, 140 can be positioned to measure the first and second bands as they pass along the light path. See, claims 13-14. Diffuse scattering permits the first and second band of light to travel multiple paths within the vessel, facilitating measurement of the differential aging of light. See, claim 6.

For the above-mentioned reasons, Applicants respectfully submit that independent claims 1, 16, 17, and 26 are allowable. Claims 3-8, 10-11, 13-15, 18-25, and 27-28 depend, directly or indirectly, from claims 1, 16, 17, and 26, and thus, Applicants submit that these claims also are allowable.

35 U.S.C. § 103(a) Rejection of Claims 9 and 12

Claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weckström in view of Official Notice taken by the Examiner. Claim 9 has been amended for clarification purposes in light of the amendments to claim 1. Applicants submit that no subject matter has been added by the amendment of claim 9. Claims 9 and 12 depend from amended claim 1, and Applicants' respectfully submit that claims 9 and 12 are allowable for at least the same reasons as described above regarding claim 1.

New Claims

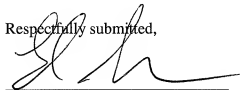
Claims 28-37 are new. Claims 28-36 depend, directly or indirectly, from claim 1, and Applicants respectfully submit that these claims recite patentable subject for at least the same reasons as described above regarding claim 1. Claim 37 is new and cites an apparatus for measuring an attribute of an ozonated fluid including a vessel defining an interior surface and an exterior surface where the interior or exterior surface facilitates diffuse scattering of first and second bands of light. Applicants submit that claim 37 is allowable for at least the same reasons as described above regarding claims 1 and 16.

CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance and request entry of the above claim amendments and withdrawal of the pending rejections. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

The Commissioner is hereby authorized to charge any fee occasioned by the entry of this paper to Attorney's Deposit Account No. 50-3081.

Respectfully submitted,



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